

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

1
2 JOHN GILBERT,
3
4 Plaintiff,
5 vs.
6 APC NATCHIQ, INC.
7 Defendants.

Case No. 3:03-CV-00174-RRB

8
9 DEPOSITION OF CHRISTOPHER B. BOYLE
June 1, 2006

10
11 APPEARANCES:

12 FOR THE PLAINTIFF:

MR. KENNETH L. COVELL
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14
15 FOR THE DEFENDANT:

MS. PATRICIA L. ZOBEL
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943 West Sixth Avenue
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18
19 ALSO PRESENT:

MR. JOHN GILBERT

20 * * * *

1 that to be what this is saying, is that fair to say?

A I disagree. You're asking me to interpret your
3 interpretation.

Q No, I'm asking you to interpret what it says here, and
5 I'm asking you, if somebody were to make that
6 interpretation of this, would that be a reasonable
7 interpretation?

8 MS. ZOBEL: Asked and answered.

Q I'll ask it.....

A40 Exactly. I was just going to say, I answered that
11 already, and that would be my.....

Q2 And your answer.....

A3interpretation.

Q4is that, no, that would not be a reasonable
15 interpretation?

A6 That's correct.

Q7 Okay. All right. So is it correct to say -- well,
18 okay. Is it correct -- yeah, is it correct to say
19 then that APC took no action to pay supervisors pay
20 for all hours worked? Or let me put it this way. APC
21 didn't change what it was doing in paying its
22 employees based upon the advice in this letter?

23 MS. ZOBEL: I'm going to object. I think he's
asked -- you've asked and answered that, and he said he did
not know what action was taken in response to this letter.

Q (By Mr. Coveil) All right. Go ahead and answer the

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EXHIBIT 1

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1 question.
2 And that would.....
3 Thank you.
4 Yeah, that would have been my response. And.....
5 Your response is you don't know?
6 I don't know what steps Mark Nelson may have taken as
7 a result of this letter.
8 Okay. If APC had done that -- how many people do you
9 have who might fit that category?
10 What category?
11 The category of people who are exempt but under the
12 interpretation I suggested would be entitled to
13 additional monies?
14 None if they're classified as exempt. They get paid
15 what they're set up to get paid, whether it's a day
16 rate or a weekly rate or a monthly rate.
17 Okay. But if the correct interpretation of this is
18 contrary to what yours is, and that they were entitled
19 to additional monies, how many people would fit in
20 that category?
21 I have no idea.
22 Okay. Can you estimate?
23 No, sir, I can't.
24 Okay. If APC decided, and they said, Mr. Boyle, we'd
25 like -- you've worked for us for years, we believe
you're wrong on that issue, we believe it means we

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